

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Devorous Hendricks,

Petitioner,

v.

Case No. 1:12cv213

Warden, Lebanon Correctional
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on May 19, 2014 (Doc. 19).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. The Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED** with prejudice.

A certificate of appealability shall not issue with respect to the claims alleged in Grounds Four through Eight. A certificate of appealability shall not issue with respect to the non-defaulted claims alleged in Grounds One through Three of the petition except to the extent that the Court will issue a certificate of appealability with respect to the portion of Ground Three challenging the sufficiency of the evidence supporting petitioner's

murder convictions. Any application by petitioner to proceed on appeal *in forma pauperis* in this matter would be taken in good faith and the Court would grant leave to appeal *in forma pauperis* upon a showing of financial necessity.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge